

REMARKS

In response to the Examiner's rejection, applicant has amended claims 41 and 42 by specifying that the computer program product is to be "stored on a computer readable medium". This amendment corresponds to the amendment of claims 22 and 40 made in applicant's response to the previous office action.

In response to the Examiner's rejection on the merits, applicant has amended claims 41 and 42 to distinguish the present invention from the one disclosed by Bays. The additionally added limitations specify the technical effect (i.e., "setting-up a connection in the telecommunications network") of operation of the computer program product in order to show that its operation is not a mere manipulation of data. Basis for this amendment can be found in claims 22 and 40 as well as on page 2, lines 5-9 and page 1, lines 8- 9 of the PCT publication. This amendment also corresponds to the amendment of claims 22 and 40 made in applicant's response to the previous office action.

In the Office Action, the Examiner admitted that Bays fails to disclose "defining routes through network elements of the telecommunications network", which is a limitation present in claims 22 and 40 and in the presently amended claims 41 and 42.

In the analysis of obviousness of the present invention, the Examiner relied upon the disclosure of Wiio and concluded that it would have been obvious for a person skilled in the art to combine the teaching of Bays with the one of Wiio and arrive at the solution as claimed in claim 22.

However, in the analysis of Wiio, it is respectfully submitted that the Examiner has missed a very important point. The disclosure of Wiio has ***nothing*** to do with the present invention, or with the disclosure of Bays.

As correctly identified by the Examiner, the present invention requires *defining routes through network elements of the telecommunications network*, whereas even a cursory reading of Wiio reveals that it is related to delivering navigation information in the form of 3D models to a person traveling from point A to point B.

In the opening paragraph of the Background section, Wiio discloses: “*Finding one’s way to a given location (for example to Helsinki City Hall) is a necessity that everyone encounters sometimes.*” Further, in col. 1, lines 46-50, Wiio discloses: “*The best way to represent a route may be to show its course on a map and simultaneously to show the views along the route in another window, using the 3D model.*” and “*the model must include all walls, roof panes and other such parts of the house.*” (col. 2, lines 14 - 15). Then, Wiio discusses bottlenecks related to high bandwidth required for sending such 3D model data to a user terminal (e.g., mobile phone or palmtop) and large storage required for storing the received data (col. 1, line 51 - col. 2, line 15). Finally, Wiio discloses that “*the purpose of the present invention is to provide to the user a service showing him, by means of a three-dimensional virtual model representing the environment, how one moves in the real world from a given starting point to a given target point.*” (col. 2, lines 53 - 58).

Clearly, the disclosure of Wiio has nothing to do with defining routes *through network elements of the telecommunications network*. In consequence, the skilled person would not combine the teachings of these two documents as they are too remote. It also clear that, even if combined, such a hybrid would not result in the solution as defined in claim 22. In either case, claim 22 is novel and non-obvious.

In consequence, the claims dependent on claim 22 are also novel and inventive.

The same comments are equally applicable to claims 40-42.

In keeping with applicant's duty of candor, accompanying PTO Form-1449 lists U.S. Patent Publication No. 2002/0103631, which was cited in a corresponding European office action. A copy of this reference is enclosed, together with the fee of \$180.00.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL, SCHIFFMILLER & PIERONI, P.C.

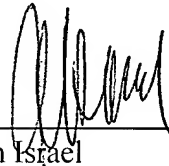
Attorneys for Applicant(s)

425 Fifth Avenue, 5th Floor

New York, New York 10016-2223

Tel: (212) 697-3750

Fax: (212) 949-1690



Alan Israel

Reg. No. 27,564